IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.P.BALACHANDRAN

MONDAY, THE 12TH MARCH 2007 / 21ST PHALGUNA 1928

WP(C).No. 7107 of 2007(U)

OS.131/2006 of MUNSIF COURT, KUTHUPARAMBA

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PETITIONER:

PUTHUSSERY KONGATTU SHANOOB,
S/O.RAGHAVAN NAMBIAR,
KEEZHUR AMSOM, PUNNAD DESOM.

BY ADV. SRI.CIBI THOMAS

RESPONDENTS:

1. P.K. NAZEER, S/O.MUHAMMED,
   ZEENATH MANZIL, KEEZHUR AMSOM,
   PUNNAD DESOM.

2. REGIONAL MANAGER, AIRTEL,
   BHARATHI TELI VENTURE LTD.,
   BHARATHI TOWERS, S.A. ROAD,
   KADAVANTHRA, KOCHI.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 12/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.P. Balachandran, J.

W.P.(C)No. 7107 of 2007 U

JUDGMENT

Heard the counsel for the petitioner/plaintiff in O.S.No.131/06 on the file of the Munsiff's court, Kuthuparamba. The grievance of the petitioner is that vide Exhibit P4 order on Exhibit P3(A) application for an injunction, restraining the second respondent/second defendant from installing a mobile tower in the plaint B schedule property, the trial court ordered status quo to be maintained, but that, in violation of the said order, the second respondent/second defendant completed construction of the tower and started functioning the same, with effect from 20.7.2006 and that the fact that it is in violation of the order of status quo will be evidenced from Exhibit P5 commission report, but that despite filing Exhibit P7 affidavit, accompanied by Exhibit P12 application for prosecuting the second respondent/

second defendant, the court below is not passing any orders thereon. It is submitted that Exhibit P7 affidavit and Exhibit P12 application (I.A.No. 1089/06) were filed on 3.8.2006. In the circumstances, it is only proper that appropriate directions are given to the trial court.

2. In the result, I direct the Munsiff, Kuthuparamba to take up I.A.No.1089/06 in O.S.No. 131/06, pending on the file of his court and pass appropriate orders thereon at the earliest and in any event before closing of the courts for mid summer recess.

This writ petition is disposed of with the above directions.

12th March, 2007 (K.P.Balachandran, Judge)

tkv